

CHAPTER 8 REGISTERED INSTITUTIONS AND PROGRAMS

ARTICLE 1. DEFINITIONS

77000. General Applicability of Statutory Definitions

The definitions contained in sections 94711 through 94746, of the Code apply to this Chapter.

77002. Act

"Act" means the California Education Code Title 3, Division 10, Part 59, Chapter 7 and California Code of Regulations, Title 5, Division 7.5.

77004. Code

"Code" means the California Education Code.

77006. Division

"Division" means Division 7.5 of Title 5 of the California Code of Regulations.

77008. Chapter

"Chapter" means Chapter 8 of Division 7.5 of Title 5 of the California Code of Regulations.

77010. Educational Program or Service

"Educational program" or "educational service" means a class or course, or a sequence of related classes or courses, of training, instruction, or study.

77012. Institution

"Institution" means a private postsecondary educational institution as defined in section 94739 of the Code. For purposes of this Chapter and Article 9.5, "institution" includes, but is not limited to, any entity that offers educational services pursuant to section 77070.

77014. Registered Educational Service

"Registered educational service" or "registered educational program" means an educational service or program that falls within one of the categories identified in section 77070, and which has been registered pursuant to this Chapter and Article 9.5 of the Code.

77016. Registered Institution

"Registered institution" means an institution which offers an educational service or program that falls within one of the categories identified in section 77070, and which has registered those services or programs pursuant to this Chapter and Article 9.5 of the Code.

77018. License

Unless otherwise expressly provided, "license" means a license, certificate, registration, or other mode of reflecting legal permission to engage in a business or profession such as, but not limited to, those regulated by the Business and Professions Code or referred to in Section 1000 or 3600 of the Business and Professions Code.

Reference: section 23.7, Business and Professions Code

ARTICLE 2. PURPOSE AND SCOPE OF CHAPTER

77060. Purpose of Chapter

The purposes of this chapter are to: (1) specify the kinds of educational services or programs that must be registered with the Bureau; (2) establish the application process for registration; and, (3) specify rules governing institutions that offer registered services or programs.

NOTE: Authority cited: Section 94788, Education Code. Reference cited: Section 94931, Education Code.

77070. Educational Services which Qualify for Registration

The educational services that qualify for registration status and are subject to this Chapter and article 9.5 of the Code are limited to the following:

- (1) An intensive English language program as defined in section 77300.
- (2) Short-term career training as defined in section 77400.
- (3) Short-term seminar training as defined in section 77500.
- (4) License examination preparation as defined in section 77600.
- (5) Continuing education as defined in section 77700.

77080. Degree and Non-Degree Institutions that Offer Educational Services Subject to Registration

(a) Except as provided in subdivision (b), an institution which offers educational services that are subject to either Article 8 or 9 of the Code, and which also provides educational services as listed in section 77070, is subject to this Chapter and Article 9.5 of the Code.

(b) In lieu of completing the initial and re-registration required by this Chapter and Article 9.5 of the Code, any institution that is also subject to Articles 8 or 9 of the Code may choose to include those educational services or programs that are subject to this Chapter in its initial application or renewal application for an approval to operate and in its annual reporting, pursuant to Articles 8 or 9 of the Code.

(c) An institution that elects to offer educational services subject to this Chapter and Article 9.5 pursuant to subdivision (b) must maintain a set of student records for registered programs separate from its records for its approval programs.

77090. General Prohibition Against Operating Without Registration

Except as provided in Section 77080(b), no institution may offer an educational service that is required by this Chapter and Article 9.5 of the Code to be registered until the institution has first submitted an application to the Bureau in which it demonstrates that the institution and the programs sought to be registered qualify for registration under this Chapter, paid the appropriate fees required by the Bureau, and has received a current certificate of registration from the Bureau indicating that the institution has met the requirements of this Chapter and Article 9.5 of the Code and operated in conformance with this Chapter and Article 9.5.

ARTICLE 3. INITIAL AND RE-REGISTRATION, ANNUAL FEES AND REPORTING REQUIREMENTS**77100. Initial Registration and Re-Registration**

(a) An institution seeking initial registration or re-registration for one or more educational services pursuant to section 77070 of this Chapter shall complete the Application for Registration provided by the Bureau, which shall demonstrate that the institution and the programs sought to be registered qualify for registration under this Chapter.

(b) An institution may include all of its separate California operating sites that have identical ownership in a single application, or submit separate applications for any one site or combination of sites. The branches and main location included in the application shall be considered by the Bureau to comprise a separate, single institution for purposes of regulation, approval, and compliance under this Chapter.

(c) The Bureau shall not begin processing an Application for Registration until the Bureau has determined the application submitted is complete.

(d) For purposes of this Chapter, an Application for Registration is complete if it appears that the institution has submitted all of the information, supporting documentation, and prescribed fees required by this Chapter.

77105. Initial Registration and Re-Registration Application Form

(a) An institution shall provide the following information and supporting documentation at the time of initial application on an Application for Registration form provided by the Bureau:

- (1) The name of the institution.
- (2) The institution's principal headquarters' address, telephone number, facsimile number, and e-mail address.
- (3) The owner(s)' legal name(s), headquarters address, facsimile number and e-mail address.
- (4) The name and address, facsimile number and e-mail address of an agent for the service of process within California.
- (5) All names, whether real or fictitious, under which the owner(s) and institution is doing and will do business.
- (6) A list of all California locations at which the institution regularly operates.
- (7) Each of the institution's California addresses, telephone numbers, facsimile numbers, and e-mail addresses.

- (8) The names, addresses, telephone numbers, facsimile numbers and e-mail addresses of the principal officers of the institution.
- (9) The name of the institution's directors and their business addresses, telephone numbers, facsimile numbers and e-mail addresses.
- (10) A description of the institution's operations, services and programs sufficient to demonstrate that the institution and its programs sought to be registered qualify for registration.
- (11) A copy of the enrollment agreement or registration form that enrolls the student in the educational service.
- (12) A brochure and/or catalog.
- (13) A representation of the advertisement or intended advertisement used to promote the educational service.
- (14) A copy of each certificate of completion used or intended to be used to show successful completion of the educational service.
- (15) If the institution assists students in obtaining financing from a third party for the cost of the educational service at the institution, a copy of the contract or finance agreement reflecting that financing.
- (16) A declaration signed by the chief executive officer of the institution stating under penalty of perjury that the information contained in the Application for Registration, including supporting documentation, is true and correct.
 - (b) E-mail addresses are required to be provided if the person or entity has one.
 - (c) If the educational service is an intensive English language program, the institution shall also comply with those requirements in section 77310.
 - (d) If the educational service is a short-term career training program, the institution shall also comply with those requirements in section 77410.
 - (e) If the educational service is a short-term seminar training program, the institution shall also comply with those requirements in section 77510.
 - (f) If the educational service is a license exam preparation program, the institution shall also comply with those requirements in section 77610.
 - (g) If the educational service is a continuing education program, the institution shall also comply with those requirements in section 77710.
 - (h) At the time of submission of an Application for Registration, an institution also must submit one or more registration fees. Fees for initial and annual registration are assessed for each type of educational service or program provided as listed in section 77070, and are listed in this Chapter.
 - (i) If an application is incomplete, the Bureau may request that the institution provide additional required information
 - (j) Re-registration shall consist of an update of the information in this section and any other documentation requested by the Bureau

77107. Change in Circumstances Affecting Application Information.

- (a) If, after the submission of an Application for Registration, but prior to its final disposition by the Bureau, there is a material change in any of the information contained in the application, the institution shall immediately notify the Bureau in writing of the change, and provide any additional materials necessary and appropriate to substantiate and explain the change.
 - (b) For purposes of this Chapter, a change in any of the information is "material" if, without the inclusion of the new or different information, the contents of the original Application for Registration would be false, misleading, or incomplete.
- NOTE: Authority cited: section 94778, Education Code. Reference cited: sections 94931(d), 94830(b), Education Code.

77110. Availability of Application for Registration

- (a) Electronic computer disk and hard-copy applications are available through the Bureau at its Sacramento address.
- (b) The Bureau shall charge twenty-five dollars (\$25) per electronic computer disk application form.
- (c) The Bureau shall charge fifty dollars (\$50) per hard-copy application form.
- (d) At the time of submission of a completed application, the fee for the application form shall be credited against the institution's initial application fee.
- (e) An institution that submits its initial application on an electronic computer disk, along with a hard copy of the initial application, shall be permitted to take a twenty-five (\$25) discount from the institution's initial application fee.

77115. Annual Fees and Reporting Information

- (a) An institution registered pursuant to the Act, shall submit identifying information, reports, including but not limited to, information and statistics required pursuant to sections 77310(b), 77410(b), 77450(g), 77510(b), 77610(b), and 77710(b), as applicable, and the appropriate annual fee prescribed by this Chapter annually every second and third year of registration.

(b) Annual fees and reporting information are due on or before the annual anniversary date. For example, if initial registration or re-registration was issued on 2/21/2001 with an expiration date of 2/20/2004, annual fees and information as required by this Chapter, would be due on or before 2/20/2002 and 2/20/2003. Institutions are not prohibited from making early payment or annual fees, or from paying future years' annual fees at the time of initial registration or re-registration.

(c) If an institution submits annual fees or reporting information documentation that is postmarked after the date upon which they are due, the submission shall be considered to be filed late for purposes of processing the registration.

(d) If an institution submits annual fees or reporting documentation or information required by this Chapter that are postmarked more than 30 days after the date due, the institution will be subject to delinquent fees.

(e) No institution may apply for re-registration until all outstanding annual fees; penalty assessments, and delinquent fees are paid in full.

(f) The Bureau may rescind the institution's registration status for failure to comply with this section in a timely manner.

77120. Abandonment of Application for Registration

(a) An Application for Registration which has not been deemed completed within 120 days of the date on which it was initially filed shall be deemed to have been abandoned. Once an Application for Registration is deemed to have been abandoned, an institution seeking registered status for itself or some of its educational programs must submit a new Application for Registration accompanied by the appropriate fees.

(b) If the Bureau finds that an institution that provides short-term career training has made a good-faith effort to correct any and all deficiencies in its application submission the bureau may grant an extension of the time limit in subdivision (a) of up to 60 days.

77125. Action by Bureau upon Receipt of Complete Application

(a) Within 60 days following the receipt of a complete Application for Registration, the Bureau shall take one of the following actions:

(1) Certify all of the educational services or programs included in the Application for Registration as being qualified for registration status pursuant to this Chapter and Article 9.5 of the Code.

(2) Notify the institution that its application is being granted in part, specifying the educational services or programs which are granted registration, and denied in part, specifying the educational services or programs which are denied registration and the basis for the denial.

(3) Notify the institution that its application is being denied in whole, and specifying the basis for the denial.

(4) Schedule a site visit pursuant to sections 94931(e) and 94915(c) of the Code, the costs of which shall be borne by the institution seeking registration.

(b) If a site visit is conducted, the Bureau shall issue a decision pursuant to subdivision (a), paragraphs (1)(2), or (3) within 30 days following the site visit.

(c) The Bureau may refuse to issue a registration, or may suspend or revoke a registration, on the basis of the applicant's violation of this Chapter or of his or her failure to meet or continue to meet any of the qualifications established by the Act.

77130. Evidence of Issuance

(a) If the Bureau determines that the Educational services or programs included in an application or re-application qualify for registration, and that the institution has submitted the prescribed fee(s), the Bureau shall issue the registration and transmit evidence of issuance to the applicant.

(b) The duration of registration shall be three years.

(c) An institution may implement those educational services or changes applied for upon written confirmation of the issuance of registration.

(d) If an application is incomplete, the Bureau may request that the institution provide additional required information. The Bureau may not issue a registration until it finds that the application is complete.

(e) The institution shall maintain at its main location and shall produce at the request of any person, the evidence of registration.

77135. Timely Submission of Re-Registration Application

(a) A re-registration application must be filed between 90 and 120 days prior to the expiration of the current registration. If an institution submits a re-registration application prior to 120 days before the expiration of the current registration: (1) the application will be returned; and, (2) the Bureau will retain a portion of the fee expended for its actual expenses incurred to review and reject the application, not to exceed twenty-five dollars (\$25).

(b) If an application or correction of deficiencies in an application are submitted less than 90 days prior to the expiration date of the current registration the application will be considered late for the purposes of assessing delinquent fees pursuant to this Chapter, and may result in the delay of registration approval.

(c) Delinquent fees will be assessed to a re-registration application if the complete application, including corrected deficiencies are received less than 60 days prior to the current expiration date.

(d) For purposes of this Section, the postmark on items delivered through a mail service shall be used for determining the dates on which the submission was made.

(e) If the Bureau, prior to the expiration of the institution's current registration, cannot complete a review of an institution's application for re-registration, the expiration date shall be extended until the date that the Bureau issues a current registration or notifies the institution otherwise. This provision shall only apply to those registered institutions that submitted a complete application timely, between 90 and 120 days prior to the current expiration.

77140. Records Retention

(a) An institution subject to this Chapter and Article 9.5 of the Code shall maintain at its main location or headquarters in California, documentation and substantiation of all the contents of annual reporting and registration, including initial and re-registration, and changes or amendments in registration for the previous five years, which shall be made available to the Bureau for inspection at any time upon request.

(b) The institution shall designate a custodian of records for all records required to be retained pursuant to this Chapter and Article 9.5 of the Code, including but not limited to electronic records.

ARTICLE 4. NOTIFICATION OF CHANGES OR AMENDMENTS TO REGISTRATION

77150. Change in Registration - Notification Required

(a) Any institution subject to this Chapter shall notify the Bureau in writing within 14 days after any of the following changes take place:

(1) Change in any name, whether real or fictitious, under which the owner and institution is doing business.

(2) Change of address, telephone numbers, facsimile numbers, or e-mail addresses of the main branch or owner's headquarters.

(3) Change in the name, address, telephone number, or e-mail address of the agent for service of process within California.

(4) Change of location of any branches at which the institution regularly operates.

(b) (1) Any institution subject to this Chapter shall notify the Bureau, in writing, at least 30 days prior to implementing any non-substantive changes in any educational course(s) or program(s) of instruction.

(2) Upon review of the notification submitted pursuant to subdivision (b)(1), the Bureau may determine that the changes are substantive or material, and may require that the institution file an Application for Amended Registration and comply with those requirements set forth in section 77152.

(c) The institution shall maintain proof of mailing for all notifications required by this section.

(d) For the purposes of this section, "Change" includes the addition or deletion of anything listed in subdivision (a).

(e) Notification of changes in subdivisions (a) and (b) shall include:

(1) The previous information filed with the Bureau that has or will be changed.

(2) The change to that information.

(3) The date the change has or is proposed to take place.

(4) A declaration signed by the chief executive officer of the institution stating under penalty of perjury that the information contained in the notice, including supporting documentation, if applicable, is true and correct.

77152. Change in Registration - Application for Amended Registration Required

(a) An institution subject to this Chapter shall complete and submit to the Bureau an Application for Amended Registration, including any supporting documentation, prior to any of the following changes:

(1) Change in the name or address of any of the principal officers of the institution.

(2) Change in the institution's director(s).

(3) Change which is material or substantive in the subject matter of any educational course(s) or program(s) of instruction.

(4) Change in ownership, change in control, or shift in control of the institution.

(b) For purposes of this section, the following definitions shall apply:

(1) "Change" includes the addition or deletion of anything listed in subdivision (a).

(2) A change in ownership occurs when any of the following exist:

(A) There is a change or shift in the persons in control of an institution. "Shift in control" means any change in the power or authority to manage, direct, or influence the conduct, policies, and affairs of an institution from one person or group of people to another person or group of people. A "shift of control" or "change in control" may, but need not, involve a transfer of any property interest. A "shift in control" or change in control" may include a shift in voting control of corporate stock from one person or group to another, the acquisition of sufficient stock by a minority shareholder to gain control of the institution, the transfer of voting rights to a voting trust, the transfer of any ownership interest to any

trust in which the owner does not have the same degree of control as before the transfer, or the transfer of authority to manage the institution from the owners to another. A "shift in control" or "change in control" does not include the owner's replacement of an individual administrator with another natural person if the owner does not transfer any interest in the institution or relinquish any control of the institution to that person.

(B) A person that previously did not own at least 25 percent of the stock or controlling interest of an institution or its parent corporation acquires ownership of at least 25 percent of the stock of the institution or its parent corporation.

(C) A person or the institution's parent corporation previously owned at least 25 percent of the stock or controlling interest, that interest is reduced below 25 percent.

(D) A for-profit business converts to a nonprofit corporation status, or forms a nonprofit corporation as a subsidiary to provide the educational services for which the for-profit business is registered or approved to operate.

(3) A person in control means a person who has sufficient capacity, directly or indirectly, to direct or influence the management, policies, or conduct of the institution so that the person can cause or prevent violations of the Act. There is a refutable presumption affecting the burden of proof that an owner, director, or officer of an institution is a person in control.

(c) An Application for Amended Registration shall include:

(1) The current information on file with the Bureau that is proposed to change.

(2) The change to that information.

(3) A declaration signed by the chief executive officer of the institution stating under penalty of perjury that the information contained in the Application for Amended Registration, including supporting documentation, is true and correct.

(4) The date(s) the change(s) is (are) proposed to take place.

(5) Documentation or information requested by the Bureau and necessary to complete the review of changes in registration in compliance with the Act.

(d) An Application for Amended Registration is deemed complete if it complies with Section 77100(d) of this Chapter.

(e) Fees for amended registration are assessed for each change or set of changes submitted at the same time, for each type of educational service or program as listed in section 77070.

(f) If an Application for Amended Registration is incomplete, the Bureau may request that the institution provide additional required information. The Bureau may not issue an amended registration until it finds that the Application for Amended Registration is complete.

(g) The Bureau shall not begin processing an Application for Amended Registration until the Bureau has determined that the application submitted is complete.

77154. Changes in Courses Provided by Institutions Approved to Operate

When an institution subject to Articles 8 or 9 of the Code, that registered courses subject to this Chapter, through an Approval or Re-approval to Operate Application intends to make a change that is subject to Section 77152, the institution shall comply with either of the following:

(1) Apply for initial registration for those educational courses or programs pursuant to Article 3.

(2) File an Application for Amended Approval to Operate pursuant to Articles 8 and 9 of the Code.

77157. Availability of Application for Amended Registration

(a) An electronic computer disk and hard-copy Application for Amended Registration are available through the Bureau at its Sacramento address.

(b) The Bureau shall charge twenty-five dollars (\$25) per electronic computer disk application form

(c) The Bureau shall charge fifty dollars (\$50) per hard-copy application form.

(d) At the time of submission of a completed application, the fee for the application form shall be credited against the institution's Application for Amended Registration fee.

(e) An institution that submits its Application for Amended Registration on an electronic computer disk, along with a hard copy of its Application for Amended Registration, shall be permitted to take a twenty-five (\$25) discount from the institution's Application for Amended Registration fee.

77160. Application for Amended Registration Time Frames

(a) An amendment to registration is separate from an initial and re-registration, or the submission of annual fees and reports.

(b) A complete Application for Amended Registration must be filed with the Bureau at least 20 days prior to the time the change occurs.

(c) Any supporting documentation or deficiency correction requested by the Bureau or corrected deficiency shall be submitted within 10 days of the Bureau's request for the information.

(d) If there is a deficiency in the Application for Amended Registration, or if the institution fails to respond to a request to correct a deficiency within the timeframe provided in subdivision (c), a delay of the approval of those amendments may result.

(e) For purposes of subdivision (b) and (c), the postmark on the application, and on the final corrected deficiency, shall be used to determine the date of submission.

(f) The change or changes cannot take place until approved in writing and an amended registration is approved by the Bureau.

77165. Evidence of Issuance of Amended Registration

(a) Upon receipt of a properly completed Application for Amended Registration and the prescribe fee(s), if the Bureau determines that the educational services or programs for which registration is sought should be registered, the Bureau shall issue an amended registration and transmit evidence of issuance to the applicant.

(b) The Bureau may refuse to issue an amended registration, or may suspend or revoke an amended registration, on the basis of the applicant's failure to demonstrate that the institution or the programs sought to be registered qualify for registration, violation of this Chapter or of his or her failure to meet or continue to meet any of the qualifications established by the Act.

(c) An institution may implement those educational services or changes applied for upon written confirmation of the amended registration.

(d) The institution shall maintain at its main location and shall produce at the request of any person, the evidence of registration.

ARTICLE 5. GENERAL PROVISIONS

77200. Minimum Operation Requirements

(a) Every institution shall be maintained and operated, or in the case of a new institution, shall demonstrate that it will be maintained and operated, in accordance with the Act, and in compliance with the requirements represented in the institution's applications to the Bureau, and in the institution's catalog, brochures, advertising, and other representations to students and prospective students.

(b) Every institution shall maintain financial resources sufficient to satisfactorily conduct its courses and programs of instruction.

(c) Upon satisfactory completion of an educational service or program, the institution shall give students an appropriate certificate of completion or other evidence of completion indicating that the educational service or program has been satisfactorily completed.

(d) Certificates of completion or other evidence of successful completion of an educational service or program shall be titled accurately to reflect the service or program completed, and shall be conferred by the institution only on students who have met the minimum qualifications for the particular certificate.

(e) No institution shall confer a certificate of completion or other evidence of completion of an educational service or program to any student if the institution is, or by that action would be, in violation of this Chapter.

(f) No institution shall provide educational services or programs in any community not registered by the Bureau.

(g) No institution providing short-term career training shall offer those courses in any location not registered with the Bureau.

(h) No institution shall fail to correct any deficiency or act of noncompliance under this Chapter.

(i) If any person willfully violates the Act and the violation results in the closure of an institution, that person shall pay to all students of the closed institution full refunds or full compensation for actual damages resulting from the closure that were not paid by the closed institution.

77210. Inspection of Records - Additional Information

(a) All records that an institution is required by this Chapter to maintain, or that relate to the institution's compliance with this Chapter, shall be made immediately available by the institution at its principal place of business in California, to the Bureau, any person on behalf of the Bureau, the Attorney General, and any district or city attorney for inspection and copying during normal business hours.

(b) No institution or any representative of an institution shall falsify or conceal any record or other item, or destroy any record or other item, while that record or item is required to be maintained by the Act.

(c) On request by the Bureau, each institution required to register pursuant to Article 9.5 of the Code and this Chapter shall submit to the Bureau copies of its current catalog, course offerings, enrollment agreements or registration forms, student completion records and all printed and other tangible advertising and promotional materials prepared for use, or used, during the preceding five years.

(d) Nothing in this Chapter shall prevent the Bureau from requesting that the institution provide additional information, documents or other evidence which it deems necessary for the evaluation of the institution's Application for Registration, annual registration, notification of changes in registration, or Application for Amended Registration material in its compliance under the Act.

77220. Student Records

(a) Every institution shall maintain, for a period of not less than five years, at its principal place of business in California, accurate records that show all of the following:

- (1) The name, address, and telephone number for each student.
- (2) The educational services and programs offered by the institution and the curriculum for each.
- (3) Attendance records.
- (4) Evidence of completion of the educational services or programs.

77240. Fees

The submission of an application, report or any other action required by this Chapter or requested by the Bureau in accordance with this Chapter shall be accompanied by the fees required pursuant to this Chapter.

ARTICLE 6. INTENSIVE ENGLISH LANGUAGE PROGRAM DEFINITION AND REQUIREMENTS

77300. Intensive English Language Program Defined

(a) For purposes of this Chapter, "Intensive English Language Program" means an educational service that meets all of the following:

- (1) Is limited to English instruction in all areas of language skills development, including reading, writing, speaking, listening, grammar, and test preparation.
- (2) Is offered and provided only to students who are not residents of the State of California, who also are not United States citizens, and who are not eligible for federal or state financial aid, including loans.
- (3) Is approved by the United States Immigration and Naturalization Service solely to provide English instruction to international students for a designated period of study in the United States.
- (4) Is not offered in connection with a degree program.
- (5) Is not offered for the purpose of preparing a student for employment, and is not represented in any manner to lead to, or to be offered for the purpose of preparing a student for, employment in any occupation or job title.

(b) For purposes of this Chapter, "intensive English language program" may include English language instruction for special purposes which will enhance a student's ability to perform in a specific profession or program, such as providing English instruction in related terminology in a particular field.

77310. Intensive English Language Program Registration

(a) An institution that offers intensive English language programs in California shall register with the Bureau in accordance with the Act, and shall include in its application the information specified in this Chapter, and also the following:

- (1) A statement that the school exclusively offers intensive English language programs.
- (2) The text of the statement referring students to the consulate of their country or to the United States Immigration and Naturalization Service if the institution and the student are unable to reach a satisfactory resolution of the student's problem.
- (3) A list of each course or educational program offered in each community, and if the institution has previously offered those courses or educational programs, the number of students enrolled in those courses or educational programs in California during the preceding year.

(b) For the purposes of annual reporting requirements pursuant to section 77115, the institution shall provide a list of each course or educational program offered at each location, and the number of students enrolled in those courses or educational programs in California during the preceding year.

(c) Upon request by the Bureau, the institution shall immediately provide for inspection by the Bureau of documentation which reflects the exact locations, including the site, street address, city and zip code, for those programs given over the past five years, or that are planned to be provided in the future if that data is available.

77320. Intensive English Language Program Requirements

Every institution that offers an intensive English language program is subject to Articles 1 through 5 of this Chapter, inclusive, and to all of the following:

- (a) Public disclosure of information pursuant to section 77330.
- (b) Student disclosures pursuant to section 77340.
- (c) Student contracts pursuant to section 77350.
- (d) Restrictions on Representations pursuant to section 77355.
- (e) Student withdrawal rights and refunds pursuant to section 77360.
- (f) Fees and revenues pursuant to section 77390.
- (g) Administration and judicial processes pursuant to Article 3 of the Code.
- (h) Sections 94829 through 94838, inclusive of the Code.
- (i) Chapter 4, Articles 4 & 5 and Chapter 5 of this Division.

77330. Intensive English Language Program Public Disclosures

(a) Commencing January 31, 1999, the Bureau will prepare, compile, and deploy a directory of all educational institutions registered in California under this Chapter. The directory will be published on the Internet, and shall be updated at least monthly.

- (b) The directory shall include at least all of the following:
 - (1) The names and addresses of all registered institutions and addresses where instruction is regularly provided.
 - (2) A description of the types of educational services or programs offered by the institution.
 - (3) The institution's withdrawal and refund policy.
- (c) The names and actual or reputed owners of non-approved institutions that the Bureau reasonably believes to be subject to this Chapter and providing educational services without an approval to operate or a registration.
- (d) Information about private postsecondary education and the Bureau including, but not limited to, all of the following:
 - (1) The kinds of private educational services that are available to students.
 - (2) Information useful to students when selecting institutions, courses, and programs of instruction.
 - (3) Information that can help students avoid problems.
 - (4) Information about the Bureau and its purposes.
 - (5) Other information useful to prospective students and the public.
- (e) A disclaimer to the effect that the information provided pursuant to this section is submitted to the Bureau by each institution, and the Bureau cannot vouch for the truth or accuracy of the information and statistics relating to any institution.
- (f) Every institution subject to this Chapter shall provide in its applications and annual reports to the Bureau the information listed in subdivision (b), and shall provide the Bureau with a timely notice of changes to that information as required by this Chapter.

77340. Intensive English Language Program Student Disclosures

(a) Every institution shall provide a written statement containing its withdrawal and refund policies, together with examples of the application of the policies, to each student prior to signing the enrollment agreement.

(b) (1) Every institution that is subject to this Article shall publish a current schedule of all student charges, a statement of the purpose for those charges, and a statement of the cancellation and refund policies with examples of the application of the policies, and shall provide them to all prospective students prior to enrollment. The schedule of charges shall clearly indicate and differentiate all mandatory and optional student charges.

(2) The schedule of charges shall specify the total costs of attendance which shall include, but not be limited to, tuition, fees, equipment costs, housing, transportation, books, necessary supplies, materials, shop and studio fees, and any other fees and expenses that the student will incur upon enrollment.

(c) The schedule of charges shall clearly identify all charges and deposits that are nonrefundable.

(d) The institution shall include a clear written statement describing the procedures that a student is required to follow to cancel the contract or agreement and to obtain a refund.

(e) Every institution shall provide to every student, prior to, or at the time of enrollment, a catalog or brochure that contains at least all of the following information:

- (1) An outline and general description of the course or program of instruction in which the student is enrolling, and a description of the instruction provided under each course offered by the institution.
- (2) A statement that the institution does not participate in the Student Tuition Recovery Fund.
- (3) The institution's principal headquarters address and telephone number.
- (4) The following disclosure:

"We are registered with the State of California. Registration means we have certified to the state that we meet the requirements imposed by the state for registered institutions. Registration does not mean that we have been evaluated or approved by the state, or that we have met the standards required of institutions that are approved to operate, or that the state has verified the information that we submitted with our registration."

(f) Student disclosures required by subdivisions (a) through (f), inclusive, shall be written in the language the institution solicited the student or negotiated the agreement.

77350. Intensive English Language Program Student Contracts

(a) The registration form or agreement that enrolls the student in the educational service shall contain all of the terms relating to the instruction and payment including, but not limited to, the following:

- (1) The name and address of the location where instruction will be provided.
- (2) The title of the educational program.
- (3) The total amount the student is obligated to pay for the educational service.
- (4) A clear and conspicuous statement that the enrollment form or agreement is a legally binding instrument when signed by the student and accepted by the institution.
- (5) The refund policy specified in section 77360.
- (6) A statement that the institution does not participate in the Student Tuition Recovery Fund.
- (7) In 10-point boldface print or larger, the following statements:

(A) "Any questions or problems concerning this school that have not been satisfactorily answered or resolved by the school should be directed to the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs (insert address and telephone number)."

(B) A statement informing the student that if the student is unable to satisfactorily resolve the student's complaint with the institution, the student should contact a consulate of his or her country and the United States Immigration and Naturalization Service.

- (8) The following statement in a conspicuous location in at least 12-point bold faced type:

"We are registered with the State of California. Registration means we have certified to the state that we meet certain minimum requirements imposed by the state for registered schools on the basis of our written application to the state. Registration does not mean that we have met the standards required by the state for schools that are approved to operate or licensed, or that the state has verified the information we submitted with our registration form."

(b) Before accepting any consideration from a student, an institution subject to this Chapter shall provide the student with an enrollment agreement or registration form containing in a single document all of the terms required by subdivision (a).

(c) The enrollment agreement or registration form shall be printed in at least 10-point type in the language in which the institution solicited the student or negotiated the agreement.

(d) The institution shall provide in a written agreement with any agent or representative that he or she is required to disclose to each prospective student, in writing, in the language of any solicitation or negotiation leading to the student's enrollment, all of the information required in subdivisions (a) and (b).

(e) (1) If the institution fails to comply with this section, any enrollment agreement or registration form shall be invalid and the institution shall return to the student all of the tuition paid by the student to the institution.

(2) Any written contract or agreement signed by a prospective student shall not become operative until the student attends the first class or session of instruction. This paragraph does not apply to correspondence schools or other distance-learning programs.

(3) No contract, note, instrument, or other evidence of indebtedness for educational services shall be enforceable by any institution, unless at the time of execution of that contract, note, instrument, or other evidence of indebtedness, the institution was registered as required by this Chapter and Article 9.5 of the Code.

77355. Restrictions on Representations of Intensive English Language Programs

(a) An Institution shall be restricted to stating that its training is "registered" with the State of California, and is prohibited from using the words "approval," "approved," "approval to operate," "approved to operate," "authorized," "licensed," or "licensed to operate," except that institutions approved to operate approved pursuant to Articles 8 and 9 of the Code may use the terms allowed by those Articles.

(b) For purposes of communications with the United States Immigration and Naturalization Service, any organization, or individual registered to offer intensive English Language programs may state that they are "authorized" by the State of California.

77360. Intensive English Language Program Student Withdrawal Rights and Refunds

(a) Each institution shall maintain, and provide to each prospective student on the registration form or enrollment agreement, the following refund policy:

(1) A student may be eligible for a refund of the unused portion of tuition fees and other charges if the student does not register for the period of attendance or withdraws therefrom prior to completion of the course or program of instruction, or otherwise fails to complete the period of enrollment.

(2) Institutions shall pay or credit refunds due on a reasonable or timely basis, not to exceed 30 days following the date upon which the student's withdrawal has been determined.

(3) Institutions shall advise each student that any notification of withdrawal or cancellation and any other request for refund must be made in writing.

(4) Refunds for intensive English language programs shall be calculated as follows:

(A) A refund of 100 percent of the amount paid, less a reasonable deposit fee not to exceed one hundred dollars (\$100) shall be paid if the student:

(i) Notifies the institution in writing that he or she is canceling or withdrawing at any time prior to the first day of instruction; or,

(ii) Never attends the institution.

(B) A prorata refund shall be paid to students who have completed 60 percent or less of the program of instruction, who do not cancel pursuant to paragraph (A) and who meet any of the following conditions:

(i) The student transfers to another school.

(ii) The student returns to his or her country of residence.

(iii) The student gains admission to a college or university.

(C) If a student withdraws because he or she transfers to another school (pursuant to paragraph (B)(i)) or gains admission to a college or university (pursuant to paragraph (B)(iii)), the institution may deduct from the prorata refund a fee as follows:

(i) If the student withdraws during the first four weeks of instruction, the fee shall not exceed the hourly charge for the program, multiplied by the number of hours of instruction which were scheduled to be taught, and which were taught, during the first four weeks of instruction;

(ii) If the student withdraws after the first four weeks of instruction, the fee shall not exceed which shall not exceed: the hourly charge for the program, multiplied by the number of hours taught in the first four weeks of the program.

(D) If the student withdraws in order to return to his or her country of residence (pursuant to paragraph (b)(2)), in addition to any fee charged pursuant to subdivision (c), the prorata refund may be further reduced by an additional amount equal to 30 percent of the total tuition charged for the program.

(5) Refunds shall be disbursed, pursuant to this section, not later than 30 days following the date upon which the student's withdrawal has been determined.

(6) For purposes of this section, "the date upon which a student's withdrawal has been determined" shall be deemed to be the date upon which the student either places in the mail, or personally, or by some other means delivers a written notice to the institution of the student's withdrawal from the institution.

(b) As used in this section, the term "hourly charge" is calculated by dividing the total tuition charged for the educational program by the total number of hours scheduled to be taught for that program. For example, the hourly charge for a program scheduled to be taught for 20 hours a week for 8 weeks whose tuition is \$1600 would be:

$$\$1600 / (20 \times 8) = \$10.$$

(c) Examples of refund calculations are:

(1) Assume a program 8 weeks in length, 24 hours per week with total tuition of \$1200. A student pays the entire \$1200 and later withdraws after completing four weeks of the program because she was accepted at a college.

(A) The number of hours which the student has not received but paid for would be: $4 \times 24 = 96$.

(B) The total number of hours for which the student has paid would be: $8 \times 24 = 192$.

(C) The hourly charge for the program would be: $\$1200 / (8 \times 24) = \6.25 .

(D) The refund would be: $[\$1200 \times (96/192)] - [\$6.25 \times (4 \times 24)] = \0.00 .

(2) Assume the same program as in the first example, but the student withdraws after 2 weeks instead of 4.

(A) The number of hours which the student has not received but paid for would be: $6 \times 24 = 144$.

(B) The total number of hours for which the student has paid would be: $8 \times 24 = 192$.

(C) The hourly charge for the program would be: $\$1200 / (8 \times 24) = \6.25 .

(D) The refund would be: $[\$1200 \times (144/192)] - [\$6.25 \times (2 \times 24)] = \600 .

(3) Assume the same program as in the first example but the student returns home after completing 3 weeks of the program.

(A) The number of hours which the student has not received but paid for would be: $5 \times 24 = 120$.

(B) The total number of hours for which the student has paid would be: $8 \times 24 = 192$.

(C) The hourly charge for the program would be: $\$1200 / (8 \times 24) = \6.25 .

(D) The refund would be: $[\$1200 \times (120/192)] - [\$6.25 \times (3 \times 24)] - (\$1200 \times .30) = -\$60$ or \$0.

(d) The Bureau shall conduct, or contract with the California Postsecondary Education Commission to conduct, a study on the effect of the refund policy specified in this section on the student dropout rate. The Bureau shall report the results of the study to the Legislature no later than March 30, 1999.

77390. Intensive English Language Program Fees

- (a) The following fees shall apply to institutions offering intensive English language programs or courses:
- | | |
|--|----------|
| (1) Initial Registration Application..... | \$700.00 |
| (2) Annual Fees | \$300.00 |
| (3) Re-Registration Application..... | \$700.00 |
| (4) Amended Registration Application | \$350.00 |
- (b) The delinquent fee for annual fees or annual reports submitted more than 30 days from the date due shall be:
\$ 60.00
- (c) The delinquent fee for a complete Re-Registration application submitted less than 60 days prior to the expiration date of the current registration, pursuant to section 77135, shall be: \$140.00

**ARTICLE 7. SHORT-TERM CAREER TRAINING
DEFINITION AND REQUIREMENTS****77400. Short-term Career Training Defined**

- (a) For purposes of this Chapter, "short-term career training" means an educational service consisting of all of the following:
- (1) The total charge to the student is two thousand dollars (\$2,000) or less.
 - (2) The length of training is less than 250 hours.
 - (3) The training course is represented as preparing the student for any occupation or job title.
- (b) Short-term career training does not include any of the following:
- (1) An educational service consisting of 250 or more hours of instruction or costing more than two thousand dollars (\$2,000) in total charges even if the educational service is divided or structured into one or more segments that consist of less than 250 hours of instruction or two thousand dollars (\$2,000) or less.
 - (2) Any educational service leading to a degree.
 - (3) An educational service financed by a federal or state loan or grant.
 - (4) Any educational service represented to lead to, or offered for the purpose of preparing a student for, employment as a certified nursing assistant, a private security guard, or a private patrol operator.
- (c) Short-term career training may include an educational service approved by other California state agencies if that educational service complies with subdivision (a) and (b).

77410. Short-term Career Training Registration

- (a) An institution providing short-term career training shall register with the Bureau in accordance with the Act and shall include in its application the information specified in this Chapter, and also the following:
- (1) A financial report prepared pursuant to section 94806 of the Code, that contains sufficient information for the Bureau to determine that the institution meets the requirements of financial responsibility contained in section 94804 of the Code; and,
 - (2) A copy of the school performance fact sheet and disclosures which the institution must provide pursuant to section 77450.
 - (3) A list of each course or educational program offered at each location, and if the institution has previously offered those courses or educational programs, the number of students enrolled in those courses or educational programs in California during the preceding year.
- (b) For the purposes of annual reporting requirements, pursuant to section 77115, the institution shall provide a list of each course or educational program offered at each location, and the number of students enrolled in those courses or educational programs in California during the preceding year.
- (c) As part of its review of an Application for Registration, the Bureau may conduct an audit of the institution to determine if it meets the financial responsibility requirements mandated by section 94804 of the Code. The cost of the audit shall be paid for by the institution.

77420. Short-term Career Training General Requirements

Every institution that offers short-term career training is subject Articles 1 through 5 to this Chapter, inclusive, and to all of the following:

- (a) Public disclosure of information pursuant to section 77440.
- (b) Student disclosures pursuant to section 77450.
- (c) Student contracts pursuant to section 77460.
- (d) Student withdrawal rights and refunds pursuant to section 77470.
- (e) Financial reporting requirements pursuant to sections 94804 and 94806 of the Code.
- (f) Fees and revenues pursuant to section 77490.
- (g) Administration and judicial processes pursuant to Article 3 of the Code.

- (h) Sections 94829 through 94838, inclusive of the Code.
- (i) Chapter 4, Articles 4 & 5 and Chapter 5 of this Division.

77440. Short-term Career Training Public Disclosure

- (a) Commencing January 31, 1999, the Bureau will prepare, compile, and deploy a directory of all educational institutions registered in California under this Chapter. The directory will be published on the Internet, and shall be updated at least monthly.
- (b) The directory shall include at least all of the following:
 - (1) The names and addresses of all registered institutions and addresses where instruction is provided.
 - (2) A description of the types of educational services or programs offered by the institution.
 - (3) The institution's withdrawal and refund policy.
- (c) The names and actual or reputed owners of non-approved institutions that the Bureau reasonably believes to be subject to this Chapter and providing educational services without an approval to operate or registration.
- (d) Information about private postsecondary education and the Bureau including, but not limited to, all of the following:
 - (1) The kinds of private educational services that are available to students.
 - (2) Information useful to students when selecting institutions, courses, and programs of instruction.
 - (3) Information that can help students avoid problems.
 - (4) Information about the Bureau and its purposes.
 - (5) Other information useful to prospective students and the public.
- (e) A disclaimer to the effect that the information provided pursuant to this section is submitted to the Bureau by each institution, and the Bureau cannot vouch for the truth or accuracy of the information and statistics relating to any institution.
- (f) Every institution subject to this Chapter shall provide in its applications and annual reports to the Bureau the information listed in subdivision (b), and shall provide the Bureau with a timely notice of changes to that information as required by this Chapter.

77450. Short-term Career Training Student Disclosures

- (a) Every institution shall provide a written statement containing its withdrawal and refund policies, together with examples of the application of the policies, to each student prior to signing the enrollment agreement.
- (b) (1) Every institution shall publish a current schedule of all student charges, a statement of the purpose for those charges, and a statement of the cancellation and refund policies with examples of the application of the policies, and shall provide them to all prospective students prior to enrollment. The schedule of charges shall clearly indicate and differentiate all mandatory and optional student charges.
 - (2) The schedule of charges shall specify the total costs of attendance, which shall include, but not be limited to, tuition, fees, equipment costs, housing, transportation, books, necessary supplies, materials, shop and studio fees, and any other fees and expenses that the student will incur upon enrollment.
- (c) The schedule of charges shall clearly identify all charges and deposits that are nonrefundable.
- (d) The institution shall include a clear statement written in English describing the procedures that a student is required to follow to cancel the contract or agreement and to obtain a refund. If the institution solicited the student or negotiated the agreement in a language other than English, the notice to the student shall be in that same language.
- (e) Every institution shall provide to every student, prior to or at the time of enrollment, a catalog or brochure that contains at least all of the following information:
 - (1) An outline and general description of the course or program of instruction in which the student is enrolling, and a description of the instruction provided under each course offered by the institution.
 - (2) A statement that the institution participates in the Student Tuition Recovery Fund.
 - (3) The institution's principal headquarters address and telephone number.
 - (4) The following disclosure:

"We are registered with the State of California. Registration means we have certified to the state that we meet the requirements imposed by the state for registered institutions. Registration does not mean that we have been evaluated or approved by the state, or that we have met the standards required of institutions that are approved to operate, or that the state has verified the information that we submitted with our registration."
- (f) The institution shall provide to each prospective student a copy of the school's written performance fact sheet that discloses all of the following:
 - (1) The number and percentage of students who begin the institution's educational service or program and who successfully complete the entire course or program of instruction. The rate shall be calculated by determining the percentage of students enrolled in the course or program of instruction who were originally scheduled, at the time of enrollment, to complete the course or program of instruction in that calendar year and those who successfully completed the program of instruction in that calendar year.

(2) The number and percentage of students who begin the educational service or program and who secure employment in the field for which they were trained. In calculating this rate, the institution shall consider as not having obtained employment any graduate for whom the institution does not possess evidence, documented in the student's file, showing that the student has obtained employment in the occupation for which the program of instruction is offered.

(3) For the most recent calendar year that ended not less than six months prior to the date of disclosure, the passage rates of graduates in the educational service or program with respect to any licensing or certification examination required by the state for employment in the particular vocational, trade, or career field.

(4) If the institution makes a claim to prospective students regarding the starting salaries, the average annual starting wages, or the salaries of graduates of the institution's educational service or program, the institution shall disclose to the prospective student the objective sources of information necessary to substantiate the truthfulness of the claim. No institution that has offered an educational service or program for less than one year shall make any express or implied claims about the salary or wage a graduate may earn after completing the educational service or program.

(5) If the institution offers or advertises placement assistance for any program, it shall file with the Bureau its placement statistics for the 12-month period or calendar year immediately preceding the date of the school's application for re-registration for every course or program of instruction.

(6) For the purposes of paragraphs (1) to (4), inclusive, students who, as documented by the institution, have been prevented from completing the educational service or program due to death, disability, illness, pregnancy, military service, participation in the Peace Corps or Domestic Volunteer Service, or who voluntarily sign a statement indicating that the course or program of instruction was for purposes other than employment, shall be excluded from the computations used to calculate the disclosures required by those paragraphs.

(7) If the institution has offered the educational service or program for less than one calendar year, the following statement shall be included:

"This educational service or program course or program is new. We are not able to tell you how many students graduate, how many find jobs, or how much money you can earn after finishing this program."

(g) A correct notice regarding the transferability of units, using the language, or an appropriate derivation thereof, set forth below:

"Transferability of Units Earned at our School.

Units you earn in our ____ (fill in name of program) ____ program in most cases probably will not be transferable to any other college or university in the future even though you earned units here at our school. In addition, if you earn a diploma or certificate in our ____ (fill in name of program) ____ program, in most cases it probably will not serve as a basis for obtaining a degree at a college or university."

(h) A notice that the educational service participates in the Student Tuition Recovery Fund.

77460. Short-term Career Training Student Contracts

(a) The registration form or agreement that enrolls the student in the educational service or program shall contain all of the following:

(1) The name and address of the location where instruction will be provided.

(2) The title of the educational program.

(3) The total amount the student is obligated to pay for the educational program.

(4) A clear and conspicuous statement that the enrollment form or agreement is a legally binding instrument when signed by the student and accepted by the institution.

(5) The refund policy specified in section 77470.

(6) A statement that the institution participates in the Student Tuition Recovery Fund.

(7) In 10-point boldface print or larger, the following statement:

"Any questions or problems concerning this school that have not been satisfactorily answered or resolved by the school should be directed to the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs (insert address and telephone number)."

(b) Before accepting any consideration from a student, an institution subject to this Article shall provide the student with an enrollment agreement or registration form containing in a single document all of the terms required by subdivision (a).

(c) The enrollment agreement or registration form shall be printed in at least 10-point type in English, and if any solicitation or negotiation leading to the student's enrollment was in a language other than English, the agreement or registration form must be provided to the student in that language

(d) (1) If the institution fails to comply with this section, any enrollment agreement or registration form shall be invalid and the institution shall return to the student all of the tuition paid by the student to the institution.

(2) Any written contract or agreement signed by a prospective student shall not become operative until the student attends the first class or session of instruction. This paragraph does not apply to correspondence schools or other distance-learning programs.

(3) No contract, note, instrument, or other evidence of indebtedness for educational services shall be enforceable by any institution, unless at the time of execution of that contract, note, instrument, or other evidence of indebtedness, the institution was registered as required by this Chapter and Article 9.5 of the Code.

(e) Institutions shall be restricted to stating that its training is "registered" with the State of California, and is prohibited from using the words "approval," "approved," "approval to operate," "approved to operate," "authorized," "licensed," or "licensed to operate," except that institutions approved to operate pursuant to Articles 8 and 9 of the Code may use the terms allowed by those Articles.

(f) The institution shall place the following statement in all brochures, catalogs, enrollment agreements, and registration forms, in a conspicuous location in at least 12-point bold faced type:

"We are registered with the State of California. Registration means we have certified to the state that we meet certain minimum requirements imposed by the state for registered schools on the basis of our written application to the state. Registration does not mean that we have met the standards required by the state for schools that are approved to operate or licensed or that the state has verified the information we submitted with our registration form."

(g) Each institution subject to this Article shall be subject to the provisions governing the Student Tuition Recovery Fund specified in Article 12 of the Code.

77470. Short-term Career Training Student Withdrawal Rights and Refunds.

(a) Institutions that are subject to this Article shall comply with the refund requirements specified in subdivision (b) and Sections 94820 through 94825, inclusive, of the Code.

(b) If the student does not register for the educational program, withdraws from the program at any time prior to completion of the course, or otherwise fails to complete the program or period of enrollment, a student who has completed 60 percent or less of the program shall be entitled to a prorata refund of the unused portion of tuition, fees, and other charges.

(c) Except as provided in subdivision (d), the refund shall be calculated as follows:

(1) Deduct a registration fee not to exceed one hundred dollars (\$100) from the total tuition charge.

(2) Divide the figure in paragraph (1) by the number of hours in the program.

(3) The quotient derived from paragraph (2) is the hourly charge for the program.

(4) The amount owed by the student for the purposes of calculating a refund is derived by multiplying the total hours attended by the hourly charge for instruction calculated in paragraph (3), plus the amount of the registration fee specified in paragraph (1).

(5) The refund shall be any amount in excess of the figure derived from paragraph (4) that was paid by the student.

(d) For a short-term career training program offered by distance learning, home study, or correspondence, the refund shall be calculated as follows:

(1) Deduct a registration fee not to exceed one hundred dollars (\$100) from the total tuition charge.

(2) Divide the figure in paragraph (1) by the number of lessons in the program.

(3) The quotient derived from paragraph (2) is the per-lesson charge for the program.

(4) The amount owed by the student for the purposes of calculating a refund is derived by multiplying the total number of lessons received by the per-lesson charge for instruction calculated in paragraph (3), plus the amount of the registration fee specified in paragraph (1).

(5) The refund shall be any amount in excess of the figure derived from paragraph (4) that was paid by the student.

(e) For purposes of this section, an institution that offers distance learning, home study, or correspondence programs may specify in its enrollment agreement the time limits within which a student is required to complete the requirements of a course or lesson.

77490. Short-term Career Training Fees

(a) The following fees shall apply to institutions offering short-term career training programs or courses:

(1) Initial Registration Application..... \$1000.00

(2) Annual Fees..... \$ 500.00

(3) Re-Registration Application..... \$1000.00

(4) Amended Registration Application \$ 500.00

(b) The delinquent fee for annual fees or annual reports submitted more than 30 days from the date due shall be: \$ 100.00

(c) The delinquent fee for a complete Re-Registration application submitted less than 60 days prior to the expiration date of the current registration, pursuant to section 77135, shall be: \$ 200.00

ARTICLE 8. SHORT-TERM SEMINAR TRAINING DEFINITION AND REQUIREMENTS

77500. Short-term Seminar Training Defined

(a) For purposes of this Chapter, "short-term seminar training" means an educational service offered at a main location, branch, or any other location, consisting of both of the following:

- (1) One hundred hours or less of instruction
- (2) The total charge for which is less than one thousand dollars (\$1,000).

(b) "Short-term seminar training" does not include any of the following:

- (1) Instruction leading to a degree.
- (2) Instruction financed by a federal or state loan or grant.
- (3) Instruction in how to prepare for, take, or pass a licensing examination or other test qualifying a person for employment.
- (4) Instruction that is represented to lead to an occupation or job title.
- (5) Any educational service consisting of more than 100 hours of instruction or costing one thousand dollars (\$1,000) or more in total charges, even if it is divided or structured into one or more segments that consist of 100 or fewer hours of instruction the total charge for which is less than one thousand dollars (\$1,000).

(c) Short-term seminar training may include an educational service approved or licensed by other California state agencies if that educational service complies with subdivisions (a) and (b).

77510. Short-term Seminar Training Registration

(a) An institution that provides short-term seminar training shall register with the Bureau in accordance with the Act, and shall include in its Application for Registration the information specified in this Chapter. The Application for Registration also shall include a list of each educational service or program offered in each community and if the institution has previously offered those educational services or, the number of students enrolled in those educational services or programs in California during the preceding year.

(b) For the purposes of annual reporting requirements, pursuant to section 77115, the institution shall provide a list of each educational service or program offered at each location, and the number of students enrolled in those educational services or programs in California during the preceding year.

(c) Upon request by the Bureau, the institution shall immediately provide for inspection all documentation which reflects the exact locations, including the site, street address, city and zip code, for those educational services or programs given over the past five years, or that are planned to be provided in the future if that data is available.

77515. Short-term Seminar Training General Requirements

Every institution that offers short-term seminar training is subject to Articles 1 through 5 of this Chapter, inclusive, and to all of the following:

- (a) Public disclosure of information pursuant to section 77520.
- (b) Student disclosures pursuant to section 77530.
- (c) Student contracts pursuant to section 77540.
- (d) Student withdrawal rights and refunds pursuant to section 77550.
- (e) Fees and revenues pursuant to section 77590.
- (f) Administration and judicial processes pursuant to Article 3 of the Code.
- (g) Sections 94829 through 94838, inclusive of the Code.
- (h) Chapter 4, Articles 4 & 5 and Chapter 5 of this Division.

77520. Short-term Seminar Training Public Disclosure

(a) Commencing January 31, 1999, the Bureau will prepare, compile, and deploy a directory of all educational institutions registered in California under this Chapter. The directory will be published on the Internet, and shall be updated at least monthly.

(b) The directory shall include at least all of the following:

- (1) The names and addresses of all registered institutions and addresses where instruction is regularly provided.
- (2) A description of the types of educational services or programs offered by the institution.
- (3) The institution's withdrawal and refund policy.

(c) The names and actual or reputed owners of non-approved institutions that the Bureau reasonably believes to be subject to this Chapter and providing educational services without an approval to operate or a registration.

(d) Information about private postsecondary education and the Bureau including, but not limited to, all of the following:

- (1) The kinds of private educational services that are available to students.
- (2) Information useful to students when selecting institutions, courses, and programs of instruction.
- (3) Information that can help students avoid problems.

- (4) Information about the Bureau and its purposes.
- (5) Other information useful to prospective students and the public.
- (e) A disclaimer to the effect that the information provided pursuant to this section is submitted to the Bureau by each institution, and the Bureau cannot vouch for the truth or accuracy of the information and statistics relating to any institution.
- (f) Every institution subject to this Chapter shall provide in its applications and annual reports to the Bureau the information listed in subdivision (b), and shall provide the Bureau with a timely notice of changes to that information as required by this Chapter.

77530. Short-term Seminar Training Student Disclosures

- (a) Every institution shall provide a written statement containing its withdrawal and refund policies, together with examples of the application of the policies, to each student prior to signing the enrollment agreement
- (b) (1) Every institution that is subject to this Article shall publish a current schedule of all student charges, a statement of the purpose for those charges, and a statement of the cancellation and refund policies with examples of the application of the policies, and shall provide the schedule to all prospective students prior to enrollment. The schedule of charges shall clearly indicate and differentiate all mandatory and optional student charges.
- (2) The schedule of charges shall specify the total costs of attendance, which shall include, but not be limited to, tuition, fees, equipment costs, housing, transportation, books, necessary supplies, materials, shop and studio fees, and any other fees and expenses that the student will incur upon enrollment.
- (c) The schedule of charges shall clearly identify all charges and deposits that are nonrefundable.
- (d) The institution shall include a clear statement written in English describing the procedures that a student is required to follow to cancel the contract or agreement and to obtain a refund. If the institution solicited the student or negotiated the agreement in a language other than English, the notice to the student shall be in that same language.
- (e) Every institution shall provide to every student, prior to or at the time of enrollment, a catalog or brochure that contains at least all of the following information:
 - (1) An outline and general description of the educational service or program in which the student is enrolling, and a description of the instruction provided in each course offered by the institution.
 - (2) A statement that the institution does not participate in the Student Tuition Recovery Fund.
 - (3) The institution's principal headquarters address and telephone number.
 - (4) The following disclosure:

"We are registered with the State of California. Registration means we have certified to the state that we meet the requirements imposed by the state for registered institutions. Registration does not mean that we have been evaluated or approved by the state, or that we have met the standards required of institutions that are approved to operate, or that the state has verified the information that we submitted with our registration."
- (f) If a student enrolls over the telephone, by fax, by electronic means or by mail, the institution shall provide the student the disclosures required by this section at any time prior to the beginning of the first session of the educational service or program.

77540. Short-term Seminar Training Student Contracts

- (a) The registration form or agreement that enrolls the student in the educational service or program shall contain all of the following:
 - (1) The name and address of the location where instruction will be provided.
 - (2) The title of the educational program.
 - (3) The total amount the student is obligated to pay for the educational service.
 - (4) A clear and conspicuous statement that the enrollment form or agreement is a legally binding instrument when signed by the student and accepted by the institution
 - (5) The refund policy specified in section 77550.
 - (6) A statement that the institution does not participate in the Student Tuition Recovery Fund.
 - (7) In 10-point boldface print or larger, the following statement:

"Any questions or problems concerning this school that have not been satisfactorily answered or resolved by the school should be directed to the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs (insert address and telephone number)."
- (b) Before accepting any consideration from a student, an institution subject to this Article shall provide the student with an enrollment agreement or registration form containing in a single document all of the terms required by subdivision (a).
- (c) The enrollment agreement or registration form shall be printed in at least 10-point type in English, and if any solicitation or negotiation leading to the student's enrollment was in a language other than English, the agreement or registration form must be provided to the student in that language
- (d) (1) If the institution fails to comply with this section, any enrollment agreement or registration form shall be invalid and the institution shall return to the student all of the tuition paid by the student to the institution.

(2) Any written contract or agreement signed by a prospective student shall not become operative until the student attends the first class or session of instruction. This paragraph does not apply to correspondence schools or other distance-learning programs.

(3) No contract, note, instrument, or other evidence of indebtedness for educational services shall be enforceable by any institution governed by this Article, unless at the time of execution of that contract, note, instrument, or other evidence of indebtedness, the institution was registered as required by this Chapter and Article 9.5 of the Code.

(e) Any institution to which this Article applies shall be restricted to stating that its training is "registered" with the State of California, and is prohibited from using the words "approval," "approved," "approval to operate," "approved to operate," "authorized," "licensed," or "licensed to operate,;" except that institutions approved to operate and the terms pursuant to Articles 8 and 9 of the Code may use the terms allowed by those Articles.

(f) The institution shall place the following statement in all brochures, catalogs, enrollment agreements, and registration forms, in a conspicuous location in at least 12-point bold faced type:

"We are registered with the State of California. Registration means we have certified to the state that we meet certain minimum requirements imposed by the state for registered schools on the basis of our written application to the state. Registration does not mean that we have met the standards required by the state for schools that are approved to operate or licensed, or that the state has verified the information we submitted with our registration form."

77550. Short-term Seminar Training Student Withdrawal Rights and Refunds.

Every institution that is subject to this Article shall establish and follow fair and reasonable refund policies in accordance with sections 94822 to 94825 of the Code, as required by section 94931(h) of the Code, and shall disclose those policies in the same manner as the disclosures required by section 77530.

77590. Short-term Seminar Training Fees

(a) The following fees shall apply to institutions offering short-term seminar training programs or courses:

- | | |
|--|----------|
| (1) Initial Registration Application..... | \$700.00 |
| (2) Annual Fees..... | \$300.00 |
| (3) Re-Registration Application..... | \$700.00 |
| (4) Amended Registration Application | \$350.00 |

(b) The delinquent fee for annual fees or annual reports submitted more than 30 days from the date due shall be:
\$ 60.00

(c) The delinquent fee for a complete Re-Registration application submitted less than 60 days prior to the expiration date of the current registration, pursuant to section 77135, shall be: \$140.00

ARTICLE 9. LICENSE EXAMINATION PREPARATION DEFINITION AND REQUIREMENTS

77600. License Examination Preparation Defined

(a) For purposes of this Chapter, "license examination preparation" means an educational program that is designed to assist students to prepare for an examination for licensure. Such educational services qualify for registration status under section 94931(c)(4) of the Code, and shall be considered to be the same as those educational programs defined in section 94734 of the Code.

(b) For purposes of this Chapter, "license examination preparation" does not include instruction in how to prepare for, take, and pass civil service examinations or other tests qualifying a student for employment by a governmental entity.

77610. License Examination Preparation Registration

(a) An institution that provides license examination preparation shall register with the Bureau in accordance with the Act and shall include in its Application for Registration the information specified in this Chapter. The Application for Registration also should include list of each educational service or program offered in each community, and if the institution has previously offered those educational services programs, the number of students enrolled in those educational services or programs in California during the preceding year.

(b) For the purposes of annual reporting requirements, pursuant to section 77115, the institution shall provide a list of each educational service or program offered at each location, and the number of students enrolled in those courses or educational programs in California during the preceding year.

(c) Upon request by the Bureau, the institution shall immediately provide for inspection documentation which reflects the exact locations, including the site, street address, city and zip code, for those educational services or programs given over the past five years, or that are planned to be provided in the future if that data is available.

77615. License Examination Preparation General Requirements

Every institution that offers preparation for a license examination is subject to Articles 1 through 5, of this Chapter, inclusive, and to and all of the following:

- (a) Public disclosure of information pursuant to section 77620.
- (b) Student disclosures pursuant to section 77640.
- (c) Student contracts pursuant to section 77650.
- (d) Student withdrawal rights and refunds pursuant to section 77660.
- (e) Fees and revenues pursuant to section 77690.
- (f) Administration and judicial processes pursuant to Article 3 of the Code.
- (g) Sections 94829 through 94838, inclusive of the Code.
- (h) Chapter 4, Articles 4 & 5 and Chapter 5 of this Division.

77620. License Examination Preparation Public Disclosure

- (a) Commencing January 31, 1999, the Bureau will prepare, compile, and deploy a directory of all educational institutions registered in California under this Chapter. The directory will be published on the Internet, and shall be updated at least monthly.
- (b) The directory shall include at least all of the following:
 - (1) The names and addresses of all registered institutions and addresses where instruction is regularly provided.
 - (2) A description of the types of educational services or programs offered by the institution.
 - (3) The institution's withdrawal and refund policy.
- (c) The names and actual or reputed owners of non-approved institutions that the Bureau reasonably believes to be subject to this Chapter and providing educational services without an approval to operate or a registration.
- (d) Information about private postsecondary education and the Bureau including, but not limited to, all of the following:
 - (1) The kinds of private educational services that are available to students.
 - (2) Information useful to students when selecting institutions, courses, and programs of instruction.
 - (3) Information that can help students avoid problems.
 - (4) Information about the Bureau and its purposes.
 - (5) Other information useful to prospective students and the public.
- (e) A disclaimer to the effect that the information provided pursuant to this section is submitted to the Bureau by each institution, and the Bureau cannot vouch for the truth or accuracy of the information and statistics relating to any institution.
- (f) Every institution subject to this Chapter shall provide in its applications and annual reports to the Bureau the information listed in subdivision (b), and shall provide the Bureau with a timely notice of changes to that information as required by this Chapter.

77640. License Examination Preparation Student Disclosures

- (a) Every institution shall provide a written statement containing its withdrawal and refund policies, together with examples of the application of the policies, to each student prior to signing the enrollment agreement
- (b) (1) Every institution that is subject to this Article shall publish a current schedule of all student charges, a statement of the purpose for those charges, and a statement of the cancellation and refund policies with examples of the application of the policies, and shall provide the schedule to all prospective students prior to enrollment. The schedule of charges shall clearly indicate and differentiate all mandatory and optional student charges.
- (2) The schedule of charges shall specify the total costs of attendance which shall include, but not be limited to, tuition, fees, equipment costs, housing, transportation, books, necessary supplies, materials, shop and studio fees, and any other fees and expenses that the student will incur upon enrollment.
- (c) The schedule of charges shall clearly identify all charges and deposits that are nonrefundable.
- (d) The institution shall include a clear statement written in English describing the procedures that a student is required to follow to cancel the contract or agreement and to obtain a refund. If the institution solicited the student or negotiated the agreement in a language other than English, the notice to the student shall be in that same language.
- (e) Every institution shall provide to every student, prior to or at the time of enrollment, a catalog or brochure that contains at least all of the following information:
 - (1) An outline and general description of the educational service or program in which the student is enrolling, and a description of the instruction provided in each course offered by the institution.
 - (2) A statement that the institution does not participate in the Student Tuition Recovery Fund.
 - (3) The institution's principal headquarters address and telephone number.
 - (4) The following disclosure:

"We are registered with the State of California. Registration means we have certified to the state that we meet the requirements imposed by the state for registered institutions. Registration does not mean that we have been evaluated or approved by the state, or that we have met the standards required of institutions that are approved to operate, or that the state has verified the information that we submitted with our registration."

77650. License Examination Preparation Student Contracts

(a) The registration form or agreement that enrolls the student in the educational service or program shall contain all of the following:

- (1) The name and address of the location where instruction will be provided.
- (2) The title of the educational program.
- (3) The total amount the student is obligated to pay for the educational service.
- (4) A clear and conspicuous statement that the enrollment form or agreement is a legally binding instrument when signed by the student and accepted by the institution
- (5) The refund policy specified in section 77660.
- (6) A statement that the institution does not participate in the Student Tuition Recovery Fund.
- (7) In 10-point boldface print or larger, the following statement:

"Any questions or problems concerning this school that have not been satisfactorily answered or resolved by the school should be directed to the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs (insert address and telephone number)."

(b) (1) Except as provided in paragraph (2), before accepting any consideration from a student, an institution subject to this Article shall provide the student with an enrollment agreement or registration form containing in a single document all of the terms required by subdivision (a).

(2) An institution that enrolls students by mail, telephone, fax, or electronic means may, in lieu of complying with paragraph (1), post a bond, in which case it shall be deemed not to have accepted consideration with respect to any funds, debit or credit card payment, or other form of payment, if the institution does both of the following: (a) implements a refund policy which provides a student with a reasonable amount of time to cancel his or her enrollment after receipt of the enrollment agreement or registration form required by this Section; and, (b) posts a bond as security for any refund to which a student is entitled within that cancellation period.

(A) Only a surety bond that assures full protection and refunds to students who advance funds or other payment before enrollment and are entitled to a refund under this chapter shall satisfy this subdivision.

(B) A surety bond posted pursuant to this Section must be issued by an admitted surety insurer in favor of the State of California for the indemnification of any person for any loss suffered as a result of the institution's failure to make a refund to a student of any amount to which the student is entitled under this Section.

(C) The term of a bond posted pursuant to this Section shall extend over the period of the registration of the educational services for the institution has applied for registration, and shall provide for liability in the sum of 1/20th of the annual gross revenues, or in the case of a new institution the estimated annual gross revenues, that the institution receives from educational services registered pursuant to this Chapter and Article 9.5 of the Code. Neither the principal nor the surety on the bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the institution and the bureau.

(D) The bureau will adopt regulations establishing a procedure for administrative enforcement of liability on the bond. The bond or an accurate description of its terms shall be attached to and included in the institution's application for registration.

(3) If the institution elects to comply with paragraph (2) rather than paragraph (1), then it shall, on or before the first session of the educational service or program, provide the student with an enrollment agreement or registration form containing in a single document all of the terms required by subdivision (a).

(c) The enrollment agreement or registration form shall be printed in at least 10-point type in English, and if any solicitation or negotiation leading to the student's enrollment was in a language other than English, the agreement or registration form must be provided to the student in that language

(d) (1) If the institution fails to comply with this section, any enrollment agreement or registration form shall be invalid and the institution shall return to the student all of the tuition paid by the student to the institution.

(2) Any written contract or agreement signed by a prospective student shall not become operative until the student attends the first class or session of instruction. This paragraph does not apply to correspondence schools or other distance-learning programs.

(3) No contract, note, instrument, or other evidence of indebtedness for educational services shall be enforceable by any institution, unless at the time of execution of that contract, note, instrument, or other evidence of indebtedness, the institution was registered as required by this Chapter and Article 9.5 of the Code.

(e) Any institution to which this Article applies shall be restricted to stating that its training is "registered" with the State of California, and is prohibited from using the words "approval," "approved," "approval to operate," "approved to operate," "authorized," "licensed," or "licensed to operate;" except that institutions approved to operate pursuant to Articles 8 and 9 of the Code may use the terms allowed by those Articles..

(f) The institution shall place the following statement in all brochures, catalogs, enrollment agreements, and registration forms, in a conspicuous location in at least 12-point bold faced type:

"We are registered with the State of California. Registration means we have certified to the state that we meet certain minimum requirements imposed by the state for registered schools on the basis of our written application to the state. Registration does not mean that we have met the standards required by the state for schools that are approved to operate or licensed, or that the state has verified the information we submitted with our registration form."

77660. License Examination Preparation Student Withdrawal Rights and Refunds.

Every institution that is subject to this Article, shall, as required by section 94931(h) of the Code, establish and follow fair and reasonable refund policies in accordance with sections 94822 to 94825 of the Code, and shall disclose those policies in the same manner as the disclosures required by section 77640.

77690. License Examination Preparation Fees

(a) The following fees shall apply to institutions offering license examination preparation programs or courses:

- | | |
|--|----------|
| (1) Initial Registration Application..... | \$700.00 |
| (2) Annual Fees..... | \$300.00 |
| (3) Re-Registration Application..... | \$700.00 |
| (4) Amended Registration Application | \$350.00 |

(b) The delinquent fee for annual fees or annual reports submitted more than 30 days from the date due shall be:
\$ 60.00

(c) The delinquent fee for a complete Re-Registration application submitted less than 60 days prior to the expiration date of the current registration, pursuant to section 77135, shall be:..... \$140.00

**ARTICLE 10. CONTINUING EDUCATION
DEFINITION AND REQUIREMENTS**

77700. Continuing Education Program Defined

(a) For purposes of this Chapter, "continuing education program" means instruction offered in any of the following circumstances:

- (1) Only in subjects licensees are required to take as a condition of continued licensure and solely for that purpose.
- (2) Only in subjects necessary to continue to practice or work in an occupation or profession such as law or medicine, and that is offered solely for that purpose.
- (3) To persons who are already employed in, or licensed to practice, a particular profession, trade, or job category for the sole purpose of enhancing their skills or knowledge within that particular profession, trade, or job category.

(b) "Continuing education program" does not include any of the following:

- (1) Vocational diploma programs.
- (2) Degree programs.
- (3) An educational service, any part of the charge for which is paid from the proceeds of a loan or grant subject to a governmental student financial aid program, or which are paid with funds provided for the student's benefit as part of any program that provides state or federal funds for training welfare recipients, or that is related to welfare reform.
- (4) Programs, which are approved, certified, or sponsored by a bona fide trade, business, or professional organization and offered solely for that membership.
- (5) Programs, which are approved, certified, licensed or sponsored by a California state recognized professional, trade or job licensing body.

(c) Notwithstanding subdivision (b), educational services which are not offered solely and exclusively for any of the purposes identified in subdivision (a) are not continuing education for purposes of registration status pursuant to this Article.

77710. Continuing Education Program Registration

(a) An institution that provides continuing education courses or programs shall register with the Bureau in accordance with the Act and shall include in its Application for Registration the information specified in this Chapter. The Application for Registration also shall include a list of each educational service or program offered in each community, and if the institution has previously offered those educational services or programs, the number of students enrolled in those courses or educational programs in California during the preceding year.

(b) For the purposes of annual reporting requirements, pursuant to section 77115, the institution shall provide a list of each educational service or program offered at each location, and the number of students enrolled in those educational services or programs in California during the preceding year.

(c) Upon request by the Bureau, the institution shall immediately provide for inspection all documentation which reflects the exact locations, including the site, street address, city and zip code, for those educational services or programs given over the past five years, or that are planned to be provided in the future if that data is available.

(d) For the purposes of subdivision (a), institutions approved to operate pursuant to Articles 8 and 9 of the Code, may identify continuing education courses or programs by general subject matter areas.

*** 77715. Continuing Education Program General Requirements**

Every institution that offers a continuing education program is subject to Articles 1 through 5, of this Chapter, inclusive, and to and all of the following:

- (a) Public disclosure of information pursuant to section 77720.
- (b) Student disclosures pursuant to section 77730.
- (c) Student contracts pursuant to section 77735.
- (d) Student withdrawal rights and refunds pursuant to section 77740.
- (e) Fees and revenues pursuant to section 77790.
- (f) Administration and judicial processes pursuant to Article 3 of the Code.
- (g) Sections 94829 through 94838, inclusive of the Code.
- (h) Chapter 4, Articles 4 & 5 and Chapter 5 of this Division.

77720. Continuing Education Program Public Disclosure

(a) Commencing January 31, 1999, the Bureau will prepare, compile, and deploy a directory of all educational institutions registered in California under this Chapter. The directory will be published on the Internet, and shall be updated at least monthly.

(b) The directory shall include at least all of the following:

- (1) The names and addresses of all registered institutions and addresses where instruction is regularly provided.
- (2) A description of the types of educational services or programs offered by the institution.
- (3) The institution's withdrawal and refund policy.

(c) The names and actual or reputed owners of non-approved institutions that the Bureau reasonably believes to be subject to this Chapter and providing educational services without an approval to operate or a registration.

(d) Information about private postsecondary education and the Bureau including, but not limited to, all of the following:

- (1) The kinds of private educational services that are available to students.
- (2) Information useful to students when selecting institutions, courses, and programs of instruction.
- (3) Information that can help students avoid problems.
- (4) Information about the Bureau and its purposes.
- (5) Other information useful to prospective students and the public.

(e) A disclaimer to the effect that the information provided pursuant to this section is submitted to the Bureau by each institution, and the Bureau cannot vouch for the truth or accuracy of the information and statistics relating to any institution.

(f) Every institution subject to this Chapter shall provide in its applications and annual reports to the Bureau the information listed in subdivision (b), and shall provide the Bureau with a timely notice of changes to that information as required by this Chapter.

77730. Continuing Education Program Student Disclosures

(a) Every institution shall provide a written statement containing its withdrawal and refund policies, together with examples of the application of the policies, to each student prior to signing the enrollment agreement.

(b) (1) Every institution that is subject to this Article shall publish a current schedule of all student charges, a statement of the purpose for those charges, and a statement of the cancellation and refund policies with examples of the application of the policies, and shall provide the schedule to all prospective students prior to enrollment. The schedule of charges shall clearly indicate and differentiate all mandatory and optional student charges.

(2) The schedule of charges shall specify the total costs of attendance which shall include, but not be limited to, tuition, fees, equipment costs, housing, transportation, books, necessary supplies, materials, shop and studio fees, and any other fees and expenses that the student will incur upon enrollment.

(c) The schedule of charges shall clearly identify all charges and deposits that are nonrefundable.

(d) The institution shall include a clear statement written in English describing the procedures that a student is required to follow to cancel the contract or agreement and to obtain a refund. If the institution solicited the student or negotiated the agreement in a language other than English, the notice to the student shall be in that same language.

(e) Every institution shall provide to every student, prior to or at the time of enrollment, a catalog or brochure that contains at least all of the following information:

(1) An outline and general description of the educational service or program in which the student is enrolling, and a description of the instruction provided in each course offered by the institution.

(2) A statement that the institution does not participate in the Student Tuition Recovery Fund.

(3) The institution's principal headquarters address and telephone number.

(4) The following disclosure:

"We are registered with the State of California. Registration means we have certified to the state that we meet the requirements imposed by the state for registered institutions. Registration does not mean that we have been evaluated or approved by the state, or that we have met the standards required of institutions that are approved to operate, or that the state has verified the information that we submitted with our registration."

77735. Continuing Education Program Student Contracts

(a) The registration form or agreement that enrolls the student in the educational service or program shall contain all of the following:

- (1) The name and address of the location where instruction will be provided.
- (2) The title of the educational program.
- (3) The total amount the student is obligated to pay for the educational service.
- (4) A clear and conspicuous statement that the enrollment form or agreement is a legally binding instrument when signed by the student and accepted by the institution
- (5) The refund policy specified in section 77550.
- (6) A statement that the institution does not participate in the Student Tuition Recovery Fund.
- (7) In 10-point boldface print or larger, the following statement:

"Any questions or problems concerning this school that have not been satisfactorily answered or resolved by the school should be directed to the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs (insert address and telephone number)."

(b) Before accepting any consideration from a student, an institution subject to this Article shall provide the student with an enrollment agreement or registration form containing in a single document all of the terms required by subdivision (a).

(c) The enrollment agreement or registration form shall be printed in at least 10-point type in English, and if any solicitation or negotiation leading to the student's enrollment was in a language other than English, the agreement or registration form must be provided to the student in that language

(d) (1) If the institution fails to comply with this section, any enrollment agreement or registration form shall be invalid and the institution shall return to the student all of the tuition paid by the student to the institution.

(2) Any written contract or agreement signed by a prospective student shall not become operative until the student attends the first class or session of instruction. This paragraph does not apply to correspondence schools or other distance-learning programs.

(3) No contract, note, instrument, or other evidence of indebtedness for educational services shall be enforceable by any institution governed by this Article, unless at the time of execution of that contract, note, instrument, or other evidence of indebtedness, the institution was registered as required by this Chapter and Article 9.5 of the Code.

(e) Any institution to which this Article applies shall be restricted to stating that its training is "registered" with the State of California, and is prohibited from using the words "approval," "approved," "approval to operate," "approved to operate," "authorized," "licensed," or "licensed to operate,;" except that institutions approved to operate and the terms pursuant to Articles 8 and 9 of the Code may use the terms allowed by those Articles.

(f) The institution shall place the following statement in all brochures, catalogs, enrollment agreements, and registration forms, in a conspicuous location in at least 12-point bold faced type:

"We are registered with the State of California. Registration means we have certified to the state that we meet certain minimum requirements imposed by the state for registered schools on the basis of our written application to the state. Registration does not mean that we have met the standards required by the state for schools that are approved to operate or licensed, or that the state has verified the information we submitted with our registration form."

77740. Continuing Education Program Student Withdrawal Rights and Refunds.

Every institution that is subject to this Article shall establish and follow fair and reasonable refund policies in accordance with sections 94822 to 94825 of the Code, as required by section 94931(h), of the Code, and shall disclose those policies with and in the same manner as the disclosures required by section 77730.

77790. Continuing Education Program Fees

(a) The following fees shall apply to institutions offering continuing education programs or courses:

- (1) Initial Registration Application..... \$700.00
- (2) Annual Fees \$300.00
- (3) Re-Registration Application..... \$700.00
- (4) Amended Registration Application \$350.00

(b) The delinquent fee for annual fees or annual reports submitted more than 30 days from the date due shall be:
\$ 60.00

(c) The delinquent fee for a complete Re-Registration application submitted less than 60 days prior to the expiration date of the current registration, pursuant to section 77135, shall be: \$140.00

ARTICLE 11. RESERVED

ARTICLE 12. TUITION REFUNDS

77840. Calculation of Refunds Upon Withdrawal From Multiple Educational Programs.

- (a) Refunds shall be determined based on the type of educational service offered.
- (b) If a student is enrolled in more than one registered educational service, his or her tuition refund shall be the composite of the refund calculated separately for each educational service from which the student simultaneously withdraws.
- (c) If a student is enrolled in both a registered educational service and an approved educational service, and withdraws from both educational services simultaneously, the tuition refund shall be calculated as follows:
 - (1) The refund upon withdrawal from the approved educational service shall be calculated pursuant to the provisions of the Act regarding refunds that are applicable to the institution.
 - (2) The refund upon withdrawal from a registered educational service other than intensive English language instruction and short-term career training shall be calculated based on the institution's refund policy contained in the student's enrollment agreement, so long as that policy is consistent with both this Chapter and Article 9.5 of the Code.
 - (3) The refund upon withdrawal from an intensive English language program shall be calculated pursuant to section 77360 of this Chapter, and section 94931.2 of the Code.
 - (4) The refund upon withdrawal from a short-term career training program shall be calculated pursuant to section 77470 of this Chapter, and section 94820 of the Code.
 - (5) A student's tuition refund shall be the sum of each separate calculation required under paragraph (1) and either paragraph (2), (3), or (4) of this subdivision, whichever applies.

NOTE: Authority cited: section 94778, Education Code. Reference cited: sections 94931(d)(5)(E), 94931(b), 94820 and 94870, Education Code

ARTICLE 13. GROUNDS FOR DENIAL, COMPLAINT INVESTIGATIONS, REVOCATION, AND HEARING PROCEDURES AND REMEDIES.

77845. Prohibitions

- (a) (1) No institution offering courses or programs of instruction represented to lead to occupations or job titles requiring licensure shall enter into an agreement for a course or program of instruction with a person who the institution knows or, by the exercise of reasonable care should know, would be ineligible to obtain a license in the occupation or job title to which the course or program of instruction is represented to lead, at the time of the scheduled date of course or program completion, for reasons such as age, physical characteristics, or relevant past criminal conviction.
- (2) No institution or representative of an institution shall direct a representative to perform any unlawful act.
- (3) No institution or representative of an institution shall direct a representative to refrain from complaining or reporting unlawful conduct to the Bureau or another government agency, or to engage in any unfair or unlawful act to persuade a student not to complain to the Bureau or another government agency.
- (b) After a student has enrolled in a course or program of instruction, the institution shall not do any of the following:
 - (1) Change the time or day on which any class is offered to a day when the student is not scheduled to attend the institution or to a time that is outside of the range of time that the student is scheduled to attend the institution on the day for which the change is proposed, unless at least 90 percent of the students who are enrolled consent to the change and the institution offers full refunds to the students who do not consent to the change. For the purposes of this subdivision, "range of time" means the period beginning with the time at which the student's first-scheduled class session for the day is set to start, and ending with the time the student's last-scheduled class session for that day is set to finish.
 - (2) Divide or structure a program of instruction or educational service to avoid the application of any provision of this Chapter.
- (c) No institution or representative of an institution shall engage in any unlawful, unfair, false, misleading, or deceptive act or practice.
- (d) No institution or representative of an institution shall engage in any unlawful, unfair, or deceptive act or practice that affects students, including, but not limited to, unlawful, unfair, or deceptive advertising; promotion; recruitment; offer or sale of a course or program of instruction; enrollment or testing of students; preparation or submission of applications for student loans or grants; financing of courses or programs of instruction; withholding of equipment, educational materials, loan or grant of funds; training; instruction; collection of payments; or, job placement.

77850. Grounds for Denial and Revocation of Application for Registration.

The Bureau may deny an Application for Registration, or revoke a registration for any of the following reasons:

- (a) A determination that the institution or the educational service does not qualify for registration status under this Chapter and Article 9.5 of the Code.
- (b) Failure to pay any fees required by this Chapter or Article 9.5 of the Code.
- (c) A finding that there was either a denial of a previous Application for Registration submitted by the same institution to the Bureau, or a revocation of the institution's registration status, and that the conditions or violations that were the cause of the denial or revocation have not been corrected.
- (d) Failure of the institution to maintain the applicable minimum educational standards prescribed by the Act.
- (e) Conducting business or offering educational services or programs any location not specified in the institution's Application for Registration, or as authorized by the Bureau.
- (f) Any of the applicable causes listed in section 94830 of the Code or any prohibited activities listed in sections 94831 and 94832 of the Code.
- (g) If registration status is being sought for short-term career training under section 94331(c)(2), a finding that the institution has insufficient financial resources required by this Chapter and the Act.
- (h) Any of the applicable causes listed in section 94830 of the Code or any prohibited activities listed in sections 94831 and 94832 of the Code.

NOTE: Authority cited: section 94778, Education Code. Reference cited: sections 94931, 94830, Education Code.

77865. Complaints

- (a) Article 5 (commencing with section 325) of Chapter 4 of Division 1 of the Business and Professions Code shall apply to complaints from students and prospective students of institutions that are subject to this Chapter.
- (b) The Bureau shall receive complaints from complainants concerning unfair or deceptive acts or practices and other violations of this Chapter by institutions that are subject to this Chapter.
- (c) The Bureau may notify an institution that is the subject of a complaint regarding the nature of the complaint, and may request appropriate relief for the complainant. The Bureau may advise the complainant of the action taken on the complaint, and of any other means that may be available for the complainant to secure relief. The Bureau also may take any other appropriate action with respect to the complaint.
- (d) The Bureau shall record the receipt of each complaint and allegation including, but not limited to, complaints regarding late or inaccurate refunds, whether received from students, representatives of students, independent evaluators, its own monitoring and investigations of institutions, or other law enforcement agencies. In each instance, the Bureau shall make a determination regarding the complaint.
- (e) No institution, or representative of an institution, shall direct a representative of the institution to refrain from complaining or reporting unlawful or unfair conduct to the Bureau or another government agency, or to engage in any unfair or unlawful act to persuade a student not to complain to the Bureau or another governmental agency.

77870. Investigations by The Bureau.

- (a) The Bureau shall review all institutions, programs, and educational services registered under this Chapter, and also may do all of the following:
 - (1) Investigate all institutions, programs, and educational services registered under this Chapter.
 - (2) Conduct periodic unannounced reviews and investigations of any institution offering registered programs to determine if it is in compliance with this Chapter and Article 9.5 of the Code.
 - (3) Conduct routine, unannounced audits of any institution offering short-term career training programs in order to determine if it meets the financial responsibility requirements of this Chapter and Article 9.5, of the Code.
- (b) Any reviews, investigations or audits conducted pursuant to this section shall be governed by the requirements of section 94835 of the Code.

NOTE: Authority cited: section 94778, Education Code. Reference cited: sections 94804, 94835, 94931(d)(8), 94931(h), Education Code.

77875. Surrender of Registered Status.

Any owner of an institution, or any institution, may, at any time, voluntarily surrender a certificate of registration received from the Bureau. The surrender shall be deemed irrevocable, and if the person or institution surrendering the certificate desires to regain registration status, the institution must submit to the Bureau a new Application for Registration, including all appropriate fees.

NOTE: Authority cited: section 94778, Education Code. Reference cited: section 94931(a), Education Code.

77890. Failure of Institution Offering Short-term Career Training to Comply with Applicable Financial Standards.

(a) If an institution offering a registered educational service consisting of short-term career training fails to meet the financial responsibility standards mandated by either this Chapter or section 94804 of the Code, the Bureau may do any, or any combination of, the following:

(1) Require the institution to establish and implement a financial plan to ensure compliance with section 94804 of the Code.

(2) Require the institution to post satisfactory security for the performance of its financial obligations pursuant to section 94804 of the Code.

(3) Require the institution to furnish additional information such as an audit report of financial statements prepared by a California licensed certified public accountant who is not an employee, officer, or director of the institution.

(4) Place the institution on probation.

(5) Revoke the institution's registered status or, if appropriate, its approval to operate pursuant to the procedures set forth in sections 94965 or 94975 of the Code.

(6) In any action or proceeding involving an institution's failure to comply with section 94804 of the Code, there shall be a presumption affecting the burden of proof that the institution does not have sufficient financial resources if it fails to meet any of the standards set forth in section 94804.

NOTE: Authority cited: section 94778, Education Code. Reference cited: sections 94804, 94855, 94878, 94879, 94965, 94975, Education Code.

77910. Right to an Administrative Hearing.

(a) An institution that has filed an Application for Registration may appeal the following actions by the Bureau:

(1) A notice, pursuant to this Chapter, from the Bureau stating that its application is incomplete;

(2) A notice, pursuant to sections 77125(a)(2) or (3) and 77850 of this Chapter, from the Bureau stating that its application, either in whole or in part, is denied; or,

(3) A notice, pursuant to section 77850 of this Chapter, from the Bureau stating that its registration, either in whole or in part, is revoked.

(b) An institution which files an appeal pursuant to subdivision (a) has a right to request a hearing.

(c) Hearings shall be conducted pursuant to sections 94965, 94975, or 94980 of the Code, or by any alternative procedure to which all the parties consent.

NOTE: Authority cited: section 94778, Education Code. Reference cited: sections 94965, 94975, and 94980 Education Code.